

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-SECOND LEGISLATURE

TWENTY-FIFTH LEGISLATIVE DAY
THURSDAY, JANUARY 30, 2014

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent – Collins, Hartgen. Total – 2.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Jake Wright, Page.

Approval of Journal

January 30, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fourth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

January 30, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 430](#) and [H 431](#).

WILLS, Chairman

[H 430](#) and [H 431](#) were referred to the Agricultural Affairs Committee.

January 29, 2014

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 354](#), [H 355](#), and [H 356](#) and recommend that they do pass.

WOOD(27), Chairman

[H 354](#), [H 355](#), and [H 356](#) were filed for second reading.

January 29, 2014

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [H 408](#) and recommend that it do pass.

HARTGEN, Chairman

[H 408](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 432

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO COURT DETERMINATION OF INDIGENCY; AMENDING SECTION 19-854, IDAHO CODE, TO PROVIDE THAT RECEIPT OF A SUBSIDY THROUGH THE IDAHO HEALTH INSURANCE EXCHANGE ESTABLISHED PURSUANT TO CHAPTER 61, TITLE 41, IDAHO CODE, SHALL NOT BE CONSIDERED A FACTOR FOR PURPOSES OF A COURT'S DETERMINATION OF INDIGENCY.

HOUSE BILL NO. 433

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO SCRAP METAL BUSINESSES; AMENDING SECTION 54-2701, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-2702, IDAHO CODE, TO REVISE REQUIREMENTS FOR RECORDS FOR PURCHASING NONFERROUS OR STAINLESS STEEL METAL PROPERTY FROM THE GENERAL PUBLIC; AMENDING SECTION 54-2704, IDAHO CODE, TO PROVIDE A CERTAIN RECORD RETENTION TIME REQUIREMENT; AMENDING SECTION 54-2705, IDAHO CODE, TO REVISE REQUIREMENTS FOR REPORTING TO LAW ENFORCEMENT; AMENDING SECTION 54-2706, IDAHO CODE, TO REVISE REQUIREMENTS FOR PRESERVING EVIDENCE OF METAL THEFT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2707, IDAHO CODE, TO REVISE PROVISIONS REGARDING UNLAWFUL VIOLATIONS AND LIABILITY; AND AMENDING SECTION 54-2708, IDAHO CODE, TO REVISE EXEMPTIONS.

HOUSE BILL NO. 434

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO PUNISHMENT FOR INFRACTION; AMENDING SECTION 18-111, IDAHO CODE, TO INCREASE THE MAXIMUM PENALTY AMOUNT FOR AN INFRACTION; AMENDING SECTION 18-113A, IDAHO CODE, TO INCREASE THE MAXIMUM PENALTY AMOUNT FOR AN INFRACTION AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO THE PENALTY FOR AN INFRACTION; AMENDING SECTION 19-1902, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO AN INFRACTION PENALTY; AMENDING SECTION 49-110, IDAHO CODE, TO INCREASE THE MAXIMUM PENALTY AMOUNT FOR AN INFRACTION; AND AMENDING SECTION 49-1503, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PENALTY FOR A CERTAIN INFRACTION.

HOUSE BILL NO. 435
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO LOCAL LAND USE PLANNING; AMENDING SECTION 67-6527, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO A MISDEMEANOR, TO PROVIDE FOR AN INFRACTION, TO PROVIDE FOR AN ENFORCEMENT ACTION, TO PROVIDE THAT WHERE PROPERTY HAS BEEN MADE NONCONFORMING BY THE EXERCISE OF EMINENT DOMAIN IT SHALL NOT BE A VIOLATION AND NO PENALTY OR COMPLIANCE ENFORCEMENT ACTION SHALL RESULT, TO REVISE PROVISIONS RELATING TO A GOVERNING BOARD; AND TO PROVIDE FOR THE APPLICATION OF LAW.

HOUSE BILL NO. 436
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO THE IDAHO BUILDING CODE ACT; AMENDING SECTION 39-4126, IDAHO CODE, TO PROVIDE FOR AN INFRACTION, TO REMOVE LANGUAGE RELATING TO A MISDEMEANOR AND TO PROVIDE THAT THIS SECTION SHALL NOT AFFECT CERTAIN PENALTY PROVISIONS.

[H 432](#), [H 433](#), [H 434](#), [H 435](#), and [H 436](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 406](#), by Environment, Energy, and Technology Committee, was read the second time by title and filed for third reading.

[H 368](#) and [H 380](#), by State Affairs Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 397](#) - SUPPLEMENTAL RETIREMENT SYSTEM

[H 397](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harris to open debate.

The question being, "Shall [H 397](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 67.

NAYS – None.

Absent – Anderson(01), Collins, Hartgen. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 397](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 348](#) - UNIFORM CONTROLLED SUBSTANCES

[H 348](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Chew to open debate.

The question being, "Shall [H 348](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Collins, Hartgen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 348](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 349](#) - UNIFORM CONTROLLED SUBSTANCES

[H 349](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Chew to open debate.

The question being, "Shall [H 349](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Collins, Hartgen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 349](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 350](#) - BOARD OF PHARMACY

[H 350](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Chew to open debate.

The question being, "Shall [H 350](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Bateman, Bell, Bolz, Burgoyne, Chew, Clow, Crane, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, Meline, Miller, Morse, Packer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Sims, Smith, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Woodings, Youngblood, Mr. Speaker. Total – 53.

NAYS – Barbieri, Barrett, Batt, Boyle, Dayley, Harris, McMillan, Mendive, Monks, Moyle, Nielsen, Palmer, Shepherd, Stevenson, Wood(35). Total – 15.

Absent – Collins, Hartgen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 350](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[SCR 132](#) - JUDGE EDWARD LODGE

[SCR 132](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Batt to open debate.

The question being, "Shall [SCR 132](#) be adopted?"

Whereupon the Speaker declared [SCR 132](#) adopted by voice vote and ordered the resolution returned to the Senate.

[H 361](#) - PROPRIETARY SCHOOLS

[H 361](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harris to open debate.

The question being, "Shall [H 361](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Ringo, Rubel, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 66.

NAYS – Romrell, Rusche. Total – 2.

Absent – Collins, Hartgen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 361](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 362](#) - EDUCATION

[H 362](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. McDonald to open debate.

The question being, "Shall [H 362](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Collins, Hartgen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 362](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 385](#) - PUBLIC SCHOOL FACILITIES COOPERATIVE FUNDING PROGRAM

[H 385](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Rubel to open debate.

The question being, "Shall [H 385](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Crane, Dayley, DeMordaunt, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Harris, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, Meline, Mendive, Miller, Morse, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Smith, Stevenson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 60.

NAYS – Barrett, Denney, Hancey, McMillan, Monks, Moyle, Sims, Thompson. Total – 8.

Absent – Collins, Hartgen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 385](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[S 1216](#) - APPROPRIATIONS - FISH AND GAME DEPARTMENT

[S 1216](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gibbs to open debate.

The question being, "Shall [S 1216](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Bateman, Bell, Bolz, Burgoyne, Chew, DeMordaunt, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Henderson, Hixon, Horman, King, Kloc, Loertscher, Luker, Malek, McDonald, Meline, Miller, Morse, Moyle, Packer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Smith, Stevenson, Thompson, Trujillo, VanOrden, Wills, Wood(27), Woodings, Youngblood, Mr. Speaker. Total – 48.

NAYS – Barbieri, Barrett, Batt, Boyle, Clow, Crane, Dayley, Denney, Harris, Holtzclaw, Kauffman, McMillan, Mendive, Monks, Nielsen, Palmer, Shepherd, Sims, Vander Woude, Wood(35). Total – 20.

Absent – Collins, Hartgen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [S 1216](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1217](#) - APPROPRIATIONS - COMMISSION FOR PARDONS AND PAROLE

[S 1217](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [S 1217](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Collins, Hartgen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [S 1217](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1218](#) - APPROPRIATIONS - OFFICE OF STATE APPELLATE PUBLIC DEFENDER

[S 1218](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [S 1218](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc,

Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Collins, Hartgen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [S 1218](#) passed the House. Title was approved and the bill ordered returned to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Friday, January 31, 2014. Seconded by Mr. Crane. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:03 p.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk